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P. O. Box 310
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Huntington, Utah 84528

March 26, 2007

Utah Division of Oil, Gas, and Mining
Utah Coal Program
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

RECEIVED

MAR 28 2007

DIV. OF OIL, GAS & MINING

Inc
C/015/0018
#2774

Subj: Amendment to Remove the Remainder of the Silt Fencing Along the Deer Creek Waste Rock Site Access Road, PacifiCorp, Deer Creek Mine, C/015/0018, Emery County, Utah

PacifiCorp, by and through its wholly-owned subsidiary, Energy West Mining Company ("Energy West") as mine operator, hereby submits an amendment to remove the remainder of the silt fencing along the toe of the slope at the Deer Creek Mine Waste Rock Site access road. This issue contains a long history that is explained below.

In a amendment cover letter dated March 26, 1997 (refer to ACT/015/018-97A, File #2), Energy West requested that the silt fencing, placed at the at the toe of the fill slopes along the access road, be removed. This amendment referenced vegetation monitoring that was conducted August 28, 1995 by Mt. Nebo Scientific Inc. Monitoring found that the mean total cover for the fill slopes were 74.17% and the cut slopes were 40%. However, an evaluation review of the vegetative cover was conducted in the summer of 1996 by the Division. The review team included Hydrologist Steve Johnson and Biologist Susan White. The findings of the review team found that although many areas of silt fence along the access road could be considered for removal, there were areas (reviewed by visual examination) that appeared deficient of the revegetation requirements. They required that these areas retain the silt fence.

As per Division recommendations, Energy West amended Volume 10 to show silt fence protection along the areas of concern. This amendment was approved April 9, 1997. These areas remain protected by silt fence today.

A vegetative cover report from Mt. Nebo Scientific dated March 22, 1997 (included with this submittal) indicated that the total living and total ground cover for the access road fill slope was 32.44% and 74.17%, respectively. Whereas, the total living and total ground cover for the reference area was 38.93% and 54.83%, respectively. The report concluded that "the total ground cover of the revegetated cut slopes of the access road at the waste rock site was obviously much greater than the cover of the reference area. It is therefore probable that erosion of the reseeded fill slopes does not exceed the erosion for the adjacent slopes of the native plant communities." This report was incorporated into Volume 3, Appendix XIII, in April 1997.

Presently, there are portions of the silt fence that need replaced because of animal trampling, damage caused by wind, and sun degradation. Replacing these portions of the fence would cause a disturbance of the soils that have been consolidated for many years. Therefore, it is Energy West's opinion that there would be less environmental disturbance to the area by removing the

Refer to Expandable 3-28-07
file in C0150018 2007 Incoming
for additional information

fence completely and allowing vegetation to provide the sole means of protection. The fence would be removed by cutting the silt fence material along the base of the ground line or removing completely and pulling the supporting posts.

This amendment includes changes in Volume 10 as outlined below. Please refer to redline/strikeout text and drawing include herein:

- Chapter II, Section III, B, page 2-9
- Chapter II, Section III, H, Table I, page 2-17
- Chapter III, Section IV, 1, page 3-4
- Maps Section, Plate 4-5, CM-10778-DR

If the Division requires a field visit of the site, please make arrangements prior to your visit so someone from our staff can accompany your review team. Photos of the affected silt fences are included herein for your review.

A redline/strike copy of the amended pages and map has been included with this submittal. The required C1/C2 forms are also included. If you have any question or concern with this submittal please feel free to call myself at (435) 687-4712 or Dennis Oakley at (435) 687-4825.

Sincerely,



Kenneth Fleck

Manager of Geology and Environmental Affairs

Enclosures: C1/C2 Forms
Photo presentation of Waste Rock Site access road slopes
Volume 10, Chapter II, Section III, B, page 2-9 (highlighted text)
Volume 10, Chapter II, Section III, H, Table I, page 2-17 (highlighted text)
Volume 10, Chapter III, Section IV, 1, page 3-4 (highlighted text)
Volume 10, Maps Section, Plate 4-5, CM-10778-DR (highlighted areas)

cc Karl Housekeeper (Division of Oil, Gas, and Mining, PFO)
file

PacifiCorp

Deer Creek Mine

C/015/0018

**Amendment to Remove the Remainder of the Silt Fencing Along the
Deer Creek Waste Rock Site Access Road, Pacificorp, Deer Creek
Mine, C/015/0018, Emery County, Utah**

C1/C2 Forms

APPLICATION FOR COAL PERMIT PROCESSING

Permit Change ☒ New Permit ☐ Renewal ☐ Exploration ☐ Bond Release ☐ Transfer ☐

Permittee: PacifiCorp

Mine: Deer Creek

Permit Number: C/015/0018

Title: Amendment to Remove the Remainder of the Silt Fencing Along the Deer Creek Waste Rock Site Access Road, Pacificorp, Deer Creek Mine, C/015/0018, Emery County, Utah

Description, Include reason for application and timing required to implement:

Instructions: If you answer yes to any of the first eight (gray) questions, this application may require Public Notice publication.

- ☐ Yes ☒ No 1. Change in the size of the Permit Area? Acres: _____ ☐ increase ☐ decrease.
- ☐ Yes ☒ No 2. Is the application submitted as a result of a Division Order? DO# _____
- ☐ Yes ☒ No 3. Does the application include operations outside a previously identified Cumulative Hydrologic Impact Area?
- ☐ Yes ☒ No 4. Does the application include operations in hydrologic basins other than as currently approved?
- ☐ Yes ☒ No 5. Does the application result from cancellation, reduction or increase of insurance or reclamation bond?
- ☐ Yes ☒ No 6. Does the application require or include public notice publication?
- ☐ Yes ☒ No 7. Does the application require or include ownership, control, right-of-entry, or compliance information?
- ☐ Yes ☒ No 8. Is proposed activity within 100 feet of a public road or cemetery or 300 feet of an occupied dwelling?
- ☐ Yes ☒ No 9. Is the application submitted as a result of a Violation? NOV # _____
- ☐ Yes ☒ No 10. Is the application submitted as a result of other laws or regulations or policies?
- Explain:* _____
- ☐ Yes ☒ No 11. Does the application affect the surface landowner or change the post mining land use?
- ☐ Yes ☒ No 12. Does the application require or include underground design or mine sequence and timing? (Modification of R2P2)
- ☐ Yes ☒ No 13. Does the application require or include collection and reporting of any baseline information?
- ☐ Yes ☒ No 14. Could the application have any effect on wildlife or vegetation outside the current disturbed area?
- ☐ Yes ☒ No 15. Does the application require or include soil removal, storage or placement?
- ☐ Yes ☒ No 16. Does the application require or include vegetation monitoring, removal or revegetation activities?
- ☒ Yes ☐ No 17. Does the application require or include construction, modification, or removal of surface facilities?
- ☒ Yes ☒ No 18. Does the application require or include water monitoring, sediment or drainage control measures?
- ☒ Yes ☐ No 19. Does the application require or include certified designs, maps or calculation?
- ☐ Yes ☒ No 20. Does the application require or include subsidence control or monitoring?
- ☐ Yes ☒ No 21. Have reclamation costs for bonding been provided?
- ☐ Yes ☒ No 22. Does the application involve a perennial stream, a stream buffer zone or discharges to a stream?
- ☐ Yes ☒ No 23. Does the application affect permits issued by other agencies or permits issued to other entities?

Please attach four (4) review copies of the application. If the mine is on or adjacent to Forest Service land please submit five (5) copies, thank you. (These numbers include a copy for the Price Field Office)

I hereby certify that I am a responsible official of the applicant and that the information contained in this application is true and correct to the best of my information and belief in all respects with the laws of Utah in reference to commitments, undertakings, and obligations, herein.

Kenneth Fleck
Print Name

Kenneth S. Fleck
Sign Name, Position, Date

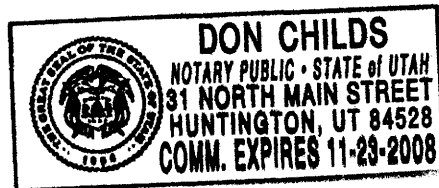
Manager of Environmental Affairs 3/26/07

Subscribed and sworn to before me this 26th day of March, 2007

[Signature]
Notary Public

My commission Expires:

Attest: State of UTAH } ss:
County of EMERY



For Office Use Only:

Assigned Tracking
Number:

Received by Oil, Gas & Mining

APPLICATION FOR COAL PERMIT PROCESSING

Detailed Schedule Of Changes to the Mining And Reclamation Plan

Permittee: PacifiCorp

Mine: Deer Creek Mine

Permit Number: C/0015/0018

Title: Amendment to Remove the Remainder of the Silt Fencing Along the Deer Creek Waste Rock Site Access Road, Pacificorp, Deer Creek Mine, C/015/0018, Emery County, Utah

Provide a detailed listing of all changes to the Mining and Reclamation Plan, which is required as a result of this proposed permit application. Individually list all maps and drawings that are added, replaced, or removed from the plan. Include changes to the table of contents, section of the plan, or other information as needed to specifically locate, identify and revise the existing Mining and Reclamation Plan. Include page, section and drawing number as part of the description.

DESCRIPTION OF MAP, TEXT, OR MATERIAL TO BE CHANGED

[illegible]

Any other specific or special instruction required for insertion of this proposal into the Mining and Reclamation Plan.

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